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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 19 December 2018

To: **Members of the Planning Committee**

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 18 DECEMBER 2018** at **6.30 pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

SUPPLEMENTARY AGENDA

7. 18/00658/HYB - 21 SHAW LANE, MARKFIELD

Application for hybrid planning application comprising outline permission (access, scale and landscaping) for the erection of up to 5000 sqm of B8 storage and full permission for extension to existing manufacturing unit (B2/B8) with associated access, landscaping and drainage works.

'Late items:'

Introduction:-

An amended plan has been submitted which indicates the position of the existing access on the Proposed Site Layout and Sections plan, for clarification.

Consultations:-

An additional consultation response has been received from Markfield Parish Council raising the following comments which have not been raised previously:-

- 1) The extension is into open countryside
- 2) Proper safeguarding has not been demonstrated for adjoining neighbours regarding the escalation in activity
- 3) Failure to recognise the detrimental noise impact and increased vehicular activities
- 4) Presently working hours are limited, the proposal suggests operations would be 24/7, causing loss of amenity
- 5) Moving bunding and mature hedges at the present entrance is unacceptable and will expose residents while new screening is installed

An additional consultation response has been received from Cllr. M. Lay raising the following comments which have not been raised previously:-

- 1) Presently works are not taking place 24/7 7 days a week and never have. This application will introduce new manufacturing on site and a potential to ramp up activity in a single site all hours all days without limit
- 2) Just the vehicle movements alone will cause a loss of amenity but the additional and new manufacturing activity on Sundays, Bank Holidays and night time's will be a huge detriment to local people
- 3) The moving of the bunding and the fully grown hedges at the present entrance is unacceptable and will expose residents to the operations while new screening is installed and hedges grow again. This is unacceptable and fully avoidable
- 4) I also remain concerned that the entrance further up on the new development is still unsatisfactory but recognise this is a highways matter

Appraisal:-

The amended plan is for clarification and does not alter the assessment of the access already made; or change the recommendations of the report.

The concerns raised in the additional comments have been addressed in the report to Committee. LCC (Highways) do not object to the application as set out in the Committee

report.

Recommendation:-

The recommendations to committee have not changed from the original report subject to amended conditions below;

1. The Development shall be carried out in accordance with the submitted plans and details in the following schedule:-

Site Location Plan Dwg. No. 7627-03-001 Rev C received on 12 November 2018.
Landscape Strategy Dwg. No. 18.1352.002 Rev A received on 12 November 2018.
Proposed Site Plan and Sections Dwg. No.7627-03-004 Rev F received on 13 December 2018.

Access Design 22614_08_020_01 Rev E received on 12 November 2018
Access Design 22614_08_020_03 Rev A received on 12 November 2018
Flood Lighting Scheme LL1034/001 Rev A received 7 November 2018.
Tree Protection Plan Dwg. No. 18.1352.003 submitted received on 28 June 2018
Proposed Sections 7627-03-010 Rev A received on 28 June 2018
Proposed Elevations 7627-03-006 Rev E received on 28 June 2018
Proposed Ground Floor Plan 7627-03-005 Rev E received on 28 June 2018
Existing Plans and Elevations 7626-03-003 received on 28 June 2018
Existing Site Plan 7627-03-002 received on 28 June 2018

3. Development implemented within each phase shall not be occupied until such time as the parking, turning and layout arrangements shown on Proposed Site Plan / Sections Dwg. No. 7627-03-004 Rev F received on 13th December 2018 for that phase have been implemented in full. Thereafter the onsite parking and turning provision serving each phase shall be so maintained in perpetuity.

12. Prior to occupation of the building given consent in phase 1, details of the noise barrier shown on Dwg. No. 7627-03-004 Rev F received on 13th December 2018 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- Barrier specification and location
- Confirmation of the mitigation provided by the structure and the resultant noise levels at the nearest residential premises.

The noise barrier shall then be installed prior to first use of the development, and maintained thereafter unless agreed otherwise by the local planning authority.

9. 18/01061/FUL - BEECHWOOD FARM, ASHBY RD, STAPLETON

Application for widened vehicular access and new driveway (resubmission of 17/00271/FUL).

'Late items:'

Introduction:-

A landscaping plan has been submitted in support of the application, which identifies a new native hedgerow to the north west boundary as well as a 1.1 metre high wooden post and rail fence. The plan is identical to the previously approved landscaping plan.

Consultations:-

A significant number of additional objections have been received from one address raising the following concerns:-

- 1) Inaccuracies of the submitted application plan in relation to the measurements on the ground
- 2) Inaccuracies of the measurements undertaken by Leicestershire County Council Highways department stated within their response
- 3) Proposal would not be able to be completed on the ground without encroaching onto neighbouring land
- 4) Development would result in a new separate access, something which has previously been refused
- 5) Development could also result in a large layby, 23 metres in width
- 6) Lack of room to complete the development in accordance with the requirements of Leicestershire County Council
- 7) Inaccurate plotting of the neighbouring fence on the site plan

A Chartered Surveyors Report and a Satellite Topography Report have been submitted in support of the above objections.

Appraisal:-

The submission of the landscaping plan is acceptable and ensures the impact of the development upon the character of the countryside is mitigated.

All comments regarding the accuracies of the plans, land ownership disputes, encroachment onto neighbouring land and concerns that the development could not be completed in line with LCC Highways findings have been assessed in the committee extract. It is not considered that the development would result in any adverse impacts upon highway safety.

Recommendation:-

Following the submission of the landscaping plan, the recommendations to Planning Committee do not alter from committee extract and is recommended for approval subject to an amendment to conditions 2 and 6 to take into account the additional plan.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Location Plan drg. no. 18/52 03A
Proposed Access – Site drg. no. 18/52 04A
Proposed Access drg. no. 18/52 02D
received by the Local Planning Authority on 18 October 2018

Retained Access Arrangement drg. no. F16054/08 Rev A
received by the Local Planning Authority on 23 October 2018

Proposed Hedge Specification drg. no. KL.353.001 Rev. 0
received by the Local Planning Authority on 12 December 2018

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

6. The hard and soft landscaping scheme shall be carried out in accordance with the approved Proposed Hedge Specification drg. no. KL.353.001 Rev. 0 received by the Local Planning Authority on 12 December 2018. All planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the

commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy DM10 of the SADMP.

10. 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE

Application for erection of a two storey 4 bedroom dwelling.

'Late items:'

Introduction:-

Since the publication of the committee report, additional information has been received.

Additional Information:-

A further letter has been received from the applicant's agent. The letter is accompanied by an Outline Landscape and Visual Appraisal with an Executive Summary. The letter raises the following items:-

- 1) The Outline Landscape and Visual Appraisal demonstrates that the site cannot, by any reasonable definition, be considered "open countryside"
- 2) The site has a very specific set of characteristics as a result of its enclosed nature and does not 'bleed' into the wider countryside or set a precedent for further development outside the settlement boundary
- 3) The proposal is in line with Policy DM4 and its objectives and is located in a sustainable location
- 4) The proposal would 'round off' the edge of the village and is suitable for residential development
- 5) 44 local Burbage addresses have supported the proposal
- 6) The report should make reference to the proposal representing self-build which is a material consideration.

Appraisal:-

With regards to the proposal relating to a self-build the Planning Practice Guidance (PPG) states that HBBC must "give suitable development permission to enough suitable serviced plots of land to meet the demand for Self Build and Custom Build in its area" and that the "level of demand is established by reference to the number of entries added to HBBC's Register during a base period."

The applicant has been added to HBBC's Register for the first base period which ended on 30 October 2016. The Council has 3 years from that date in which to permission an equivalent number of plots of land which are suitable for Self Build and Custom Build. The Council is currently working on a Local Plan Review which will include the Self Build and Custom Build policy and the monitoring of permissions of self-build plots. It is highly likely that sufficient suitable permissions have already been granted in the Borough since 2016, nevertheless, any individual applications need to be considered against the development plan and national policies in line with the definitions of 'suitable development permission' and 'serviced plots' from the Act/PPG. It is considered that this site would provide a suitable serviced plot of land for residential development.

As such, the recommendations to committee have not changed from the original report.

APPENDIX A

LATE ITEM FROM 20 NOVEMBER 2018 COMMITTEE MEETING

ITEM 15 18/00903/FUL Mr & Mrs Mottram
Site:- Land Adjacent 166, Sapcote Road, Burbage

Proposal:- Erection of a two storey 4 bedroom dwelling

Introduction:-

Amended plans were submitted which reduced the application site area, relocated the dwelling to the western boundary of the site and attached the garage to the dwelling. These plans have already been considered in the original report to committee. However, the public consultation period for submission of comments on these plans extended beyond the deadline for the preparation of the committee report. Since the publication of the committee report, additional responses have been received.

Consultations:-

Five additional neighbour letters of objection have been received raising the following issues:

- 1) The settlement boundary should be respected and residential development in this location is an unwelcome precedent for other applications located outside the settlement boundary;
- 2) Residential development on this site would be contrary to paragraph 4.25 of the SADMP which requires that the open landscape of Burbage should be protected and preserved;
- 3) The countryside should be conserved in this area as the Rail Freight Interchange would occupy large swathes of open countryside within a short distance of the site;
- 4) The Borough has a 5 year housing land supply. There is no evidence that another 4-bedroomed house in Burbage as there are currently more than 150 4 and 4+ bedroomed houses for sale in the LE10 area;
- 5) Burbage has been subject to massive over-development over recent years and the draft Neighbourhood Plan seeks to recognise this so that there is no additional development up to 2031;
- 6) Burbage has already exceeded its residual housing requirement of 295 by 2026 by 242 units and there is still some 8 years to go;
- 7) The site is not needed to meet the Council's housing needs in the plan to 2026;
- 8) The Core Strategy also has a commitment to protect and preserve the open landscape to the east of Burbage which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley and Bosworth Landscape Character Assessment.
- 9) The Development Plan for the area takes precedence over the NPPF in decision making;
- 10) Questions are raised about the appeal decision at Land East of the Common, Barwell as to which policies the Inspector considers are out-of-date and why they are out-of-date simply because the annual housing target figure has been revised. There is no mention in the revised NPPF that revisions to housing figures can render a Local Plan as being out-of-date;
- 11) The Core Strategy policy on the need to protect and preserve the open landscape to the east of Burbage is not a housing land supply policy and is not out-of-date;

12) The tilted balance as referred to in paragraph 11 of the NPPF only applies when a Council cannot demonstrate a 5 year housing land supply

15 additional neighbour letters of support have been received raising the following items:

- 1) The property is well-designed and is a high quality bespoke home which will complement the area;
- 2) There are no issues with regards to access or loss of amenity;
- 3) The site should be included in the settlement boundary which should finish at Aston Flamville Road in line with the houses on the opposite side of the road, the village sign and the speed restriction changes;
- 4) The site is restricted on each boundary being hemmed in on all sides and could not represent encroachment into the open countryside;
- 5) The Council has recently approved other small residential sites on the edge of settlement boundaries where there is no harm to the open countryside;
- 6) This is a vacant piece of land which would benefit from a self-build home;
- 7) This is a highly sustainable location with a pedestrian footpath outside and a bus stop just metres away;
- 8) This property would be a nice gateway into our village;
- 9) The applicants originate from Burbage and they will be taking part in the care of their extended family would also live in Burbage;

Burbage Parish Council and the Chair of the Parish Council have made additional comments and advise that the amended layout and information do not mitigate previous objections on the development being located outside of the parish settlement boundary.

A further letter has been received from the applicant's agent raising the following items:

- 7) The site is extremely well-related to the village providing strong connectivity to public transport and facilities, and is located immediately adjacent to the settlement boundary;
- 8) The housing supply policies are out-of-date and so paragraph 11 of the NPPF is triggered;
- 9) The land does not constitute open countryside and is enclosed on all sides;
- 10) With regards to precedent then the proposal should be judged on its own merits and not on any future applications;
- 11) There is strong local support for the proposal from those that will be directly affected.

Appraisal:-

The most up-to-date objective assessment of housing need (OAN) is provided within the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017). This identifies a housing need for the Borough of 471 dwellings per annum between 2011 and 2031. This figure has been accepted by the Council and is being used when calculating the 5 year housing land supply position. The Council can currently demonstrate a 5 year supply of deliverable housing land using the most recent OAN figures.

This is weighed in the balance of the merits of the application, Paragraph 8.29-8.34 of the officers report sets out how this has been done in reaching the conclusions of the application.

11. 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY

Application for erection of 7 dwellings with associated access (resubmission of 16/00270/FUL).

'Late items:'

Consultations:-

An additional neighbour letter has been received raising the following comments:-

- 1) The application should take into account the material considerations stated in the NPPF and the previous appeal decisions on the site dating back to 1986 and 1987

Appraisal:-

The material considerations of the NPPF have been taken into account during the assessment of the application.

In respect of the previous appeal decisions, the development has had regard to the most recent previous appeal decision in 2017. The previous appeal decision in 2017 is very similar to the scheme proposed through this application and as such is more relevant than the older appeal decisions within 1986/87.

Notwithstanding the above, as stated within the committee extract, it is considered that the proposed development would overcome the most recent appeal decision and the previous appeal decisions as a result of the mitigation measures proposed through this application. Overall the development would not have any severe adverse impact upon the occupiers of no. 12 in respect of overlooking, overbearing or overshadowing.

Recommendation:-

The recommendations to committee have not changed from the original report.

APPENDIX A

**Planning Committee 20 November 2018
Report of the Interim Head of Planning**

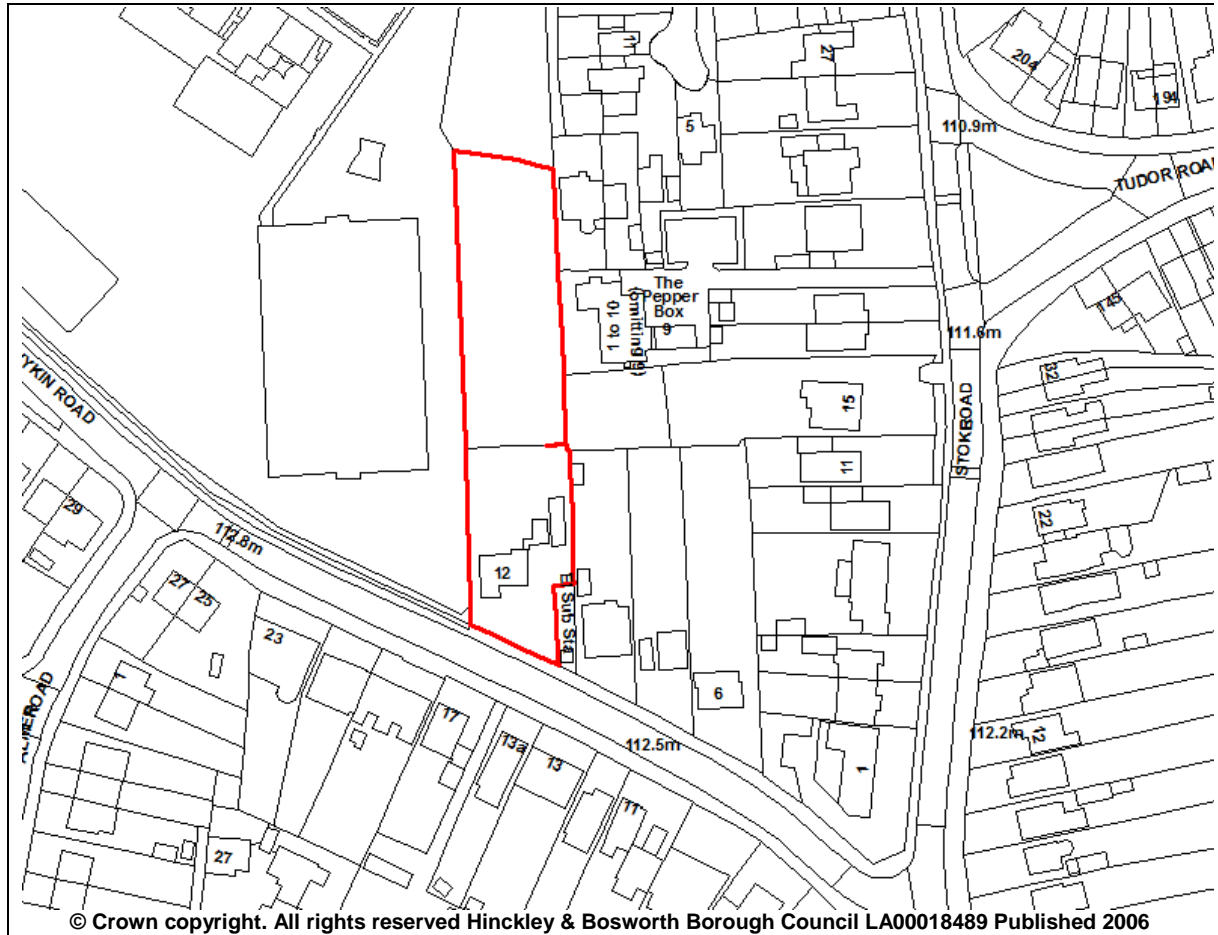
**Planning Ref: 18/00827/FUL
Applicant: Mr & Mrs P & T Grant-Reason
Ward: Hinckley Trinity**

Site: Newhaven 12 Wykin Road Hinckley

Proposal: Erection of 7 dwellings with associated access (resubmission of 16/00270/FUL)



Hinckley & Bosworth
Borough Council



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of 7 dwellings and a new garage to serve the existing property on land to the rear of no. 12 Wykin Road, Hinckley. Access would be constructed adjoining Wykin Road and pass the existing property to the east.

2.2. This application is a resubmitted scheme from a previously refused application (reference 16/00270/FUL). The previous application was dismissed at appeal on the grounds of the adverse impact upon the residential amenity of the occupiers of no. 12 in respect of noise and disturbance from vehicles.

2.3. This revised submission includes no. 12 within the red line application site boundary, indicates the existing windows on the side elevation of no. 12 as being blocked up and a new 1.2 metre high garden wall to the front and a new 1.8 metre high garden wall to the rear of no. 12. All other aspects are very similar to the previous scheme.

3. Description of the Site and Surrounding Area

3.1. The application site is located within the settlement boundary of Hinckley. The area is characterised by primarily residential development. Wykin Road to the

south of the site is bounded by residential development fronting the road comprising a mix of dwelling types and sizes. To the east of the southern end of the site is a sub-station and a parcel of undeveloped land which has become overgrown, beyond that are dwellings fronting Stoke Road. Immediately adjacent to the east of the northern end of the site are dwellings fronting onto a cul-de-sac; Cadeby Close, and a block of flats set back from the road frontage. To the north of the site is an overgrown area comprising several trees. Adjoining the west of the site is Redmoor Academy with a two storey modular classroom near to the north west corner and a multi-use games area along the majority of the boundary.

- 3.2. The application site comprises two sections; a large parcel of land to the north and a land to the side and front of no.12 Wykin Road. The parcel of land to the north is undeveloped grass land, the exact use is unknown, and a section of the rear garden of no.12 Wykin Road; although the former boundary fence separating the rear garden has been removed. The area is bounded on the northern and western sides by semi-mature and mature trees. The eastern side is bounded by primarily close boarded fencing. The area to the side and front of no.12 includes the access, garages, hard landscaping and front garden of no.12 and is bounded on the eastern side by close boarded fencing.

4. **Relevant Planning History**

16/00270/FUL	Erection of 7 dwellings with associated access	Refused – Appeal Dismissed	02.03.2017
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5. **Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Objections have been received from 16 separate addresses raising the following concerns:
- 1) Two applications and an appeal have been refused for less development
 - 2) There would be an adverse impact on the amenity of existing and future occupiers in respect of noise, disturbance and overlooking
 - 3) Multiple bins would be stored at the front of the site as the road wont be adopted
 - 4) There is no space for service and visitor parking on the site
 - 5) Additional on-street parking will cause visibility concerns
 - 6) Wykin Road is subject to high vehicle speeds
 - 7) Inaccuracies on the application form
 - 8) Insufficient parking provision
 - 9) Development is out of character and scale with the surrounding area
 - 10) Application not overcome previous reasons for refusal or dismissed appeal
 - 11) Inappropriate backland development
 - 12) Emergency vehicles and refuse wagons would be unable to enter the site
 - 13) Impact upon neighbours and highway safety during construction
 - 14) Lack of high quality design and good standards
 - 15) Internal access road would not be maintained
 - 16) Impact upon school traffic and children

- 17) Wykin Road is of inadequate width to accommodate the development
- 18) Insecure boundary treatments with the school
- 19) There was a fire recently at the electricity sub-station
- 20) Violation of Human Rights for the existing properties on Wykin Road

6. Consultation

- 6.1. Concerns received from Cllr Bill and Cllr D Cope regarding impact upon residential amenity, highway safety, character of the area and the provision of waste and recycling collection across the site. Concerns have also arisen regarding whether this resubmission overcomes the previously dismissed appeal.
- 6.2. No objection subject to conditions from:-
 - LCC Highways
 - HBBC Drainage
 - HBBC Waste
- 6.3. No objections from:-
 - HBBC Environmental Health
 - LCC Ecology

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Other issues

Assessment against strategic planning policies

- 8.2. The application site is located within the settlement boundary of Hinckley. Hinckley is designated as the sub-regional centre in the Core Strategy and has a wide range of facilities, services and access to sustainable modes of transport. Policy 1 of the Core Strategy supports new residential development within the settlement boundary.

- 8.3. This application proposes the erection of 7 no. dwellings comprising three two-bedroom dwellings and four three-bedroom dwellings. The dwellings are in reasonable proximity to several amenities.
- 8.4. Residential development within the settlement boundary of Hinckley is considered acceptable in-principle, subject to satisfying other policies within the Development Plan and all other material planning considerations.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP seeks to ensure that developments complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and incorporate a high standard of landscaping which would add to the quality of the design and siting.
- 8.6. The application proposes a very similar scheme to the previous submission, by means of seven new dwellings, two rows of three, two storey dwellings and one bungalow with an access road running along the eastern boundary of the site. Although the previous application has been refused, consideration has to be given to the recent appeal decision on the site (Appeal Reference APP/K2420/W/17/3176703).
- 8.7. The inspector stated that the “in-depth development proposed would sit alongside the existing built form on either side and would therefore not be wholly out of character with the surroundings. Furthermore, there are other examples of in-depth development in the surrounding area, including to the rear of 13a – 17 Wykin Road and the developments which back onto the site, The Pepperbox flats and Cadeby Close.”
- 8.8. The layout would see three groups of dwellings comprising three to the rear of the site, three located centrally and one to the rear of the garden of No. 12. As the development comprises the same layout as previous, consideration again is given to the previous appeal decision. The inspector states that the “surrounding area is characterised by relatively high density developments and therefore the layout of the proposed development would reflect the existing density in the area”.
- 8.9. As such, the development of this land, the layout and density of development proposed would not be considered out of character with the wider area. The scale and mass of the development is considered to be in acceptable, especially as the dwellings would not be particularly visible from public realm.
- 8.10. The surrounding area is characterised by a large variety in designs of dwelling. The proposed dwellings have been designed and characterised to complement the surrounding area, including detailed designs such as cills and curved headers. The dwellings are to be constructed of brick and tiles, with further details to be submitted via condition.
- 8.11. The level of hardstanding again would not be out of proportion with the surrounding area. There would be a mix of brick boundary walls and 1.8 metre high fences. Given the lack of full details regarding the boundary treatments to the west (the school), north and east, a condition is recommended requesting these details submitted to the Local Planning Authority.
- 8.12. Concerns have been raised regarding the provision of waste and recycling across the site and the potential for bins to be sited at the front of the site. It has been shown on the submitted plans and indicated in the supporting information that refuse vehicles would be able to enter the site, manoeuvre and leave the site in the forward gear, as such retrieving bins directly from each of the proposed dwellings. To ensure this is achieved, a condition is recommended for details of waste and recycling collection across the site to be submitted.

8.13. An Arboricultural Report and Tree Management Plan have been submitted with the application. The report identifies multiple Category B and C trees on and adjacent to the boundary of the site. The layout avoids incursion within the root protection areas (RPA) of the majority of trees. There would be a significant incursion within the RPA of trees 6-9 and 21 although these are Category C trees of little amenity value and harm or loss of the trees would not be detrimental to the character of the area. There would be a significant incursion from plot 4 within the RPA of two category B trees along the western boundary of the site, adjoining the school. The trees have amenity value and the impact upon them would be adverse to the character of the area. However, given the similarities of the scheme to the previous application, it should be noted that the inspector had no concerns from the development upon these trees.

8.14. Overall, it is considered that the submitted layout, scale and design of proposed dwellings complements the character of the surrounding area in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

8.15. Policy DM10 of the SADMP seeks to ensure that developments do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of future occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

8.16. Although the previous application has been refused, consideration has to be given to the appeal decision on the site (Appeal Reference APP/K2420/W/17/3176703).

8.17. The application is adjoined by nos. 10 and 12 Wykin Road, the flats known as the Pepperbox and no. 8 Cadeby Close. The proposed access would be opposite nos. 13a and 17 Wykin Road.

8.18. No. 10 Wykin Road is separated from the application site by the electricity sub-station and to the rear by a close boarded fence. The additional traffic generated by the proposed development would not have an adverse impact on the amenity of the occupiers of no. 10.

8.19. Whilst vehicles exiting the site may cause some shining of headlights towards the properties opposite the site, it is not considered that this would have a significant adverse impact on the amenity of these occupiers.

8.20. The proposed development would reduce the size of the rear garden of no. 12 Wykin Road. A large patio area and rear garden would remain that are considered sufficient to serve the occupiers of no. 12 without harm to the amenity of the occupiers. The proposed bungalow on plot 7 proposes roof lights in the roof slope facing no.12. However given the siting and distance, these rooflights are not considered to have an adverse impact upon the amenity of no. 12. The proposed development is therefore not considered to have an adverse impact on the occupiers of no.12 with regards to overlooking, overbearing or overshadowing.

8.21. The proposed development would result in vehicular movements passing in close proximity to the lounge and kitchen window in the east elevation of no. 12. The previous application was refused as a result of the impact upon these two windows and the amenity of no. 12 in this respect. The inspector stated that -

“The fact that one of the windows is a secondary window to the kitchen does not mitigate against the fact that there are likely to be a number of vehicle movements very close to the habitable rooms comprising the lounge and kitchen of the existing dwelling.”

- 8.22. This application includes the existing bungalow within the red line of the application site, and indicates that the existing side elevation windows are to be bricked up and a new 1.2 metre high brick wall to the front and a 1.8 metre high brick wall to the rear would be provided. As a result of the bricking up of the windows (which could be done under permitted development), the proposed brick walls to the front and rear and that the existing and any future occupiers of no. 12 would be aware of the situation, it is considered that the occupiers of no. 12 would not be significantly adversely affected by noise and disturbance from the vehicles accessing the rear of the site. As such, it is considered that the reason for dismissal in relation to the previous appeal decision in this respect has been overcome.
- 8.23. Plots 4 – 6 of the proposed development would have a gable end facing the flats in the west elevation of The Pepperbox. In this respect, the inspector found that, due to the separation distance, existing boundary fence and proposed fenestration there would be no harmful effects on the living conditions of adjoining and future occupiers of the flats or plots 4-6 in terms of loss of privacy or outlook.
- 8.24. No.8 Cadeby Close has been extended previously and includes a clear glazed side facing window at first floor level. However the window serves a bathroom and as it does not serve a habitable room, would unlikely result in any loss of privacy to the rear garden of Plot 3.
- 8.25. A two storey modular classroom has been sited at Redmoor Academy to the north west of the application site. Due to the location of the classrooms in relation to Plot 1, the existing trees to be retained and the use of classroom during school hours only, the classroom would be unlikely to result in any overlooking of the rear garden of Plot 1.
- 8.26. The light spill plan of the floodlights serving the multi-use games area at Redmoor Academy indicates that the luminance falls within acceptable levels and as such would unlikely to result in any harmful impacts on the living conditions of future occupiers of the development in respect of light pollution.
- 8.27. The proposed dwellings would have reasonably sized rear amenity spaces to provide the occupiers with a good level of amenity.
- 8.28. Overall, it is considered that the proposed development would not result in any significant adverse impacts upon the residential amenity of existing or future occupiers, in accordance with Policy DM10 of the SAMDP.

Impact upon highway safety

- 8.29. Policy DM17 of the SADMP supports development where it is demonstrated that there is not a significant adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.30. This application seeks to replace the existing access serving no.12 Wykin Road with an access adjoining Wykin Road further to the west, in a more central location.
- 8.31. The access would be relocated further to the west to allow it to adjoin the highway at a 90 degree. The access is proposed to be 4.8m wide for a minimum of the 8m measured back from the edge of the footpath. Accesses serving 6 to 25 dwellings are required to be 4.8m and therefore the proposed access meets the criteria as set out in the Highways Design Guide.
- 8.32. The submitted plans show pedestrian visibility splays of 2m by 2m, measured from the edge of the footpath, at the access can be achieved and will kept free of any obstruction above 0.6m from ground level. The footpath adjacent to the

access is approximately 3m wide. Therefore, it is possible to achieve the required vehicular visibility splays at the access for a 30mph speed limit. Due to the width of the footpath and visibility from the access, it is not evident that level of on-street car parking would cause harm to highway safety.

- 8.33. Leicestershire County Council (Highways) has been consulted on the application and raises no objection subject to the imposition on planning conditions.
- 8.34. The layout incorporates car parking provision for the proposed dwellings and no. 12 Wykin Road which would be replaced. It is proposed to provide two car parking spaces per dwelling which is considered sufficient taking into account the location within Hinckley, the availability of public transport and the size of the dwellings.
- 8.35. Overall, the proposed access width, geometry and visibility is considered to be acceptable and the parking provision, dimensions and on-site turning would be acceptable.
- 8.36. As such, the proposed development would not result in severe highway impacts and would be in accordance with Policies DM17 and DM18 of the SADMP.

Other matters

- 8.37. Policy DM7 of the SADMP seeks to ensure that new development does not create or exacerbate flooding. The proposed development is located within Flood Zone 1 and is not at risk from surface water flooding. Environmental Health (Drainage) has raised no objection to the development subject to the inclusion of sustainable urban drainage which can be secured through the imposition of a planning condition. It is considered that the proposed development would not create nor exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.
- 8.38. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured. Following concerns from LCC Ecology, additional information has been provided. This information indicates that there is a barrier between the existing site and the woodland to the rear and that the woodland will have a lower likelihood of supporting badgers. As such LCC Ecology withdraw their request for a survey and the application is not considered to result in any biodiversity impacts in accordance with Policy DM6 of the SADMP.
- 8.39. Concern has been raised that the proposed development violates the Human Rights of existing properties on Wykin Road. However, no specific details have been provided.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. **Conclusion**

10.1 The application site is located within the settlement boundary of Hinckley where residential development is generally supported by Policy 1 of the Core Strategy, subject to satisfying other policies and material planning considerations.

10.2. The proposed access adjoining Wykin Road is designed in accordance with the standards as set out in the 6Cs Design Guidance and would not have an adverse impact on highway safety. The development could provide sustainable urban drainage and would not create or exacerbate flooding. The scheme would not result in any adverse impacts upon the character of the area and would not have a significant adverse impact upon the amenity of the existing or future occupiers.

10.3. As such, the development is considered to be in accordance with Policy 1 of the Core Strategy and Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the SADMP and is recommended for approval subject to conditions.

11. **Recommendation**

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

Site Plan drg. no. AVD-368-WRH-PL02 Rev. C

Received by the Local Planning Authority on 4 October 2018

Site Location Plan drg. no. 2017/12-04/001A

Plots 1 & 2 Floor Plans and Elevations drg. no. AVD-368-WRH-PL03 Rev.

A

Plot 3 Floor Plans and Elevations drg. no. AVD-368-WRH-PL04 Rev. A

Plots 4 – 6 Floor Plans and Elevations drg. no AVD-368-WRH-PL05 Rev. A

Plot 7 Floor Plans and Elevations drg. no. AVD-368-WRH-PL06 Rev. A
Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-
WRH-PL08

Received by the Local Planning Authority on 24 August 2018

Detached Single Garage Floor Plan and Elevations drg. no. AVD-368-
WRH-PL07

Received by the Local Planning Authority on 17 August 2018

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development above foundation level of the dwellings hereby approved shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The existing vehicular access that becomes partly redundant as a result of this proposal shall be reduced in size and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

Reason: To protect footway users in the interests of pedestrian safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the submitted information, prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- Hard surfacing materials
- Boundary treatments
- Fencing specifications
- Planting plans
- Written specifications
- Schedule of plants, noting species, plant sizes and proposed numbers/densities
- Implementation programme

Reason: To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. The hard and soft landscaping scheme shall be carried out in accordance with the details approved under condition 6. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

8. Notwithstanding the submitted information, before any development commences on the site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Policies DPD.

9. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority and the scheme shall

subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory surface water drainage in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

10. The development hereby permitted shall not commence until drainage plans for disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details before the development is first brought into use.

Reason: To ensure that the development is provided with satisfactory means of drainage and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

11. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

12. Prior to first occupation of the dwellings hereby approved the proposed parking and turning facilities shall be constructed and completed in accordance with the approved Site Plan drg. no. AVD-368-WRH-PL02 Rev. C received by the Local Planning Authority on 4 October 2018 and shall thereafter be permanently remain to serve the dwellings hereby approved.

Reason: To ensure that adequate off-street parking provision is made and to ensure vehicles are able to enter and leave the site in a forward direction to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

13. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway to

accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

14. Notwithstanding the submitted information, prior to first use of development hereby permitted, the proposed access shall have a width of a minimum of 4.8 and shall be surfaced in a hard bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of general highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. Prior to first use of development hereby permitted, vehicular visibility splays of 2.4 metres by 43 metres and pedestrian visibility splays of 2.0 metres by 2.0 metres shall be provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

16. Prior to first occupation of the dwellings hereby approved, as shown on approved plans, Site Plan drg. no. AVD-368-WRH-PL02 Rev. C received by the Local Planning Authority on 4 October 2018 and Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08 received by the Local Planning Authority on 24 August 2018 the two ground floor windows on the side elevation of no. 12 Wykin Road shall be bricked up and permanently retained in this form. The brick used shall match that of the existing dwelling.

Reason: To ensure the development does not have a detrimental impact upon residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. To reduce the impact of the construction works on local residents and the highway the LPA may advise the Applicant to submit a Construction Environment Management Plan. The CEMP could include details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The construction of the development could then be carried out in accordance with the approved details and timetable.

4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

APPENDIX B

LATE ITEM FROM 20 NOVEMBER 2018 COMMITTEE MEETING

ITEM 08 18/00827/FUL Mr & Mrs P & T Grant-Reason

Site:- Newhaven, 12 Wykin Road, Hinckley

Proposal:- Erection of 7 dwellings with associated access (resubmission of 16/00270/FUL)

Introduction:-

An amended plan has been submitted which incorporates the provision of a bin store near to the adopted highway boundary.

Consultations:-

No additional comments have been received.

Appraisal:-

The submission of the amended plan now shows the siting of a bin store near to the adopted highway boundary. Notwithstanding the submission of this information, it is still considered necessary to require the applicant to submit a scheme of the collection of waste and recycling across the site, to the satisfaction

of HBBC Waste Services.

Recommendation:-

Following the submission of amended plans, the recommendations to Planning Committee do not alter from committee extract and is recommended for approval subject to an amendment to condition 2 to take into account the amended plan.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

Site Plan drg. no. AVD-368-WRH-PL02 Rev. D

Received by the Local Planning Authority on 19 November 2018

Site Location Plan drg. no. 2017/12-04/001A

Plots 1 & 2 Floor Plans and Elevations drg. no. AVD-368-WRH-PL03 Rev.

A

Plot 3 Floor Plans and Elevations drg. no. AVD-368-WRH-PL04 Rev. A

Plots 4 – 6 Floor Plans and Elevations drg. no AVD-368-WRH-PL05 Rev. A

Plot 7 Floor Plans and Elevations drg. no. AVD-368-WRH-PL06 Rev. A

Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08

Received by the Local Planning Authority on 24 August 2018

Detached Single Garage Floor Plan and Elevations drg. no. AVD-368-WRH-PL07

Received by the Local Planning Authority on 17 August 2018

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.